

## ARBITRATION

*Convention signed at Washington January 23, 1909*

*Senate advice and consent to ratification January 27, 1909*

*Ratified by the President of the United States March 1, 1909*

*Ratified by Brazil January 2, 1911*

*Ratifications exchanged at Washington July 26, 1911*

*Entered into force July 26, 1911*

*Proclaimed by the President of the United States August 2, 1911*

37 Stat. 1535; Treaty Series 562

The President of the United States of America and the President of the United States of Brazil, desiring to conclude an Arbitration Convention in pursuance of the principles set forth in Articles XV to XIX and in Article XXI of the Convention for the Pacific Settlement of International Disputes, signed at The Hague on July 29th, 1899,<sup>1</sup> and in Articles XXXVII to XL and Article XLII of the Convention signed at the same city of The Hague on October 18th, 1907,<sup>2</sup> have named as their Plenipotentiaries, to wit:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the United States of Brazil, His Excellency Senhor Joaquim Nabuco, Ambassador Extraordinary and Plenipotentiary to the Government of the United States of America, Member of the Permanent Court of Arbitration of The Hague;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

### ARTICLE I

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two High Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two High Contracting Parties, and do not concern the

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<sup>1</sup> TS 392, *ante*, vol. 1, p. 230.

<sup>2</sup> TS 536, *ante*, vol. 1, p. 577.

interests of third Parties, and it being further understood that in case either of the two High Contracting Parties shall so elect any arbitration pursuant hereto shall be had before the Chief of a friendly State or arbitrators selected without limitation to the lists of the aforesaid Hague Tribunal.

## ARTICLE II

In each individual case the two High Contracting Parties, before appealing to the Permanent Court of Arbitration of The Hague or to other arbitrators or arbitrator, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrator or arbitrators and the periods to be fixed for the formation of the Court, or for the selection of the arbitrator or arbitrators, and for the several stages of the procedure. It is understood that on the part of the United States of America such special agreement will be made by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the United States of Brazil with the approval of the two Houses of the Federal Congress thereof.

## ARTICLE III

The present Convention will be in force for a period of five years, dating from the day of the exchange of its ratifications, and, if not denounced six months before the end of the aforesaid term, will be renewed for an equal period of five years, and so on, successively.

## ARTICLE IV

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the United States of Brazil, with the authorization of the Federal Congress thereof. The ratifications shall be exchanged in the city of Washington as soon as possible, and the Convention shall take effect immediately after the exchange of the ratifications.

In testimony whereof, we, the aforesaid Plenipotentiaries, have signed the present instrument in duplicate, in the English and Portuguese languages, and have affixed thereto our seals.

Done in the city of Washington, this 23rd day of January, in the year one thousand nine hundred and nine.

ELIHU ROOT	[SEAL]
JOAQUIM NABUCO	[SEAL]